

Message Text

CONFIDENTIAL

PAGE 01 DACCA 02160 230640Z

ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

NSCE-00 SSO-00 USIE-00 INRE-00 EB-08 /058 W

-----230643Z 091628 /21

O 230610Z APR 77

FM AMEMBASSY DACCA

TO SECSTATE WASHDC IMMEDIATE 4368

INFO AMECOMSUL CALCUTTA IMMEDIATE

AMEMBASSY ISLAMABAD IMMEDIATE

AMEMBASSY NEW DELHI IMMEDIATE

CINCPAC IMMEDIATE

C O N F I D E N T I A L DACCA 2160

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, BG

SUBJ: PRESIDENT ZIA ANNOUNCES AMENDMENTS TO CONSTITUTION;

IDENTIFIES BANGLADESH AS ISLAMIC NATION

REF: DACCA 2115

1. AS STATED IN HIS ADDRESS TO THE NATION, ZIA ISSUED
A PROCLAMATION APRIL 22 AMENDING CERTAIN PROVISIONS
OF THE CONSTITUTION OF BANGLADESH.

2. UNDER A PROVISION OF THE PROCLAMATION, THE FUNDAMENTAL
STATE PRINCIPLES WILL BE "ABSOLUTE TRUST AND FAITH
IN THE ALMIGHTY ALLAH, NATIONALISM, DEMOCRACY AND
SOCIALISM MEANING ECONOMIC AND SOCIAL JUSTICE." THE
WORD "SECULARISM" HAS BEEN DROPPED AS ONE OF THE STATE
PRINCIPLES. IN THE BEGINNING OF THE CONSTITUTION, ABOVE
THE PREAMBLE, THE FOLLOWING QUOTATION WILL BE INSERTED,
"BISMILLAH-AR-RAHMAN-AR-RAHIM." ("IN THE NAME
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 DACCA 02160 230640Z

OF ALLAH, THE BENEFICIENT, THE MERCIFUL"). ANOTHER
SECTION OF THE PROCLAMATION AMENDS PART OF ARTICLE
25 TO ADD: "THE STATE SHALL ENDEAVOR TO CONSOLIDATE,
PRESERVE AND STRENGTHEN FRATERNAL RELATIONS
AMONG MUSLIM COUNTRIES BASED ON ISLAMIC SOLIDARITY."

3. ARTICLE 42, RELATING TO THE ACQUISITION, NATIONALI-

ZATION AND REQUISITION OF PROPERTY, HAS BEEN AMENDED TO MAKE PROVISION FOR COMPENSATION AND LAW "SHALL EITHER FIX THE AMOUNT OF CMPENSATION OR SPECIFY THE PRINCIPLES ON WHICH, AND THE MANNER IN WHICH, THE COMPENSATION IS TO BE ASSESSED AND PAID."

4. A SUPREME COUNCIL WILL BE SET UP TO PRESCRIBE A CODE OF CONDUCT FOR JUDGES OF THE SUPREME COURT AND HIGH COURT. JUDGES OF THE TWO COURTS WILL BE REMOVABLE BY THE PRESIDENT UPON RECOMMENDATION OF THE COUNCIL. PREVIOUSLY, A JUDGE COULD BE REMOVED ONLY BY A TWO-THIRDS VOTE OF THE MEMBERS OF PARLIAMENT.

5. THE PROCLAMATION ALSO PROVIDES THAT ALL ORDERS AND ACTS OF THE PRESIDENT OR CHIEF MARTIAL LAW ADMINISTRATOR TAKEN UNDER THE AUTHORITY OF THE PROCLAMATIONS OF THE MARTIAL LAW REGULATIONS"SHALL BE DEEMED TO HAVE BEEN VALIDLY MADE... AND SHALL NOT BE CALLED IN QUESTION IN OR BEFORE ANY COURT OR TRIBUNAL."

6. COMMENT: THE MOST IMPORTANT CHANGES IN THE CONSTITUTION INVOLVE THE REMOVAL OF SECULARISM AS A GUIDING PRINCIPLE AND THE FRATERNAL LINK WITH OTHER MUSLIM COUNTRIES. PRESIDENT ZIA HAS PROBABLY MADE THIS CHANGE FOR TWO REASONS: FIRST, HE SEEMS TO HAVE SENSED THE STEADY INCREASE IN THE PAST FEW YEARS IN THE POPULARITY OF FUNDAMENTAL ISLAMIC ORTHODOXY. WE HAVE PREVIOUSLY NOTED THE INCREASE IN POPULARITY OF THE

CONFIDENTIAL

PAGE 03 DACCA 02160 230640Z

MUSLIM LEAGUE IN THE AFTERMATH OF THE ABUSES OF THE SECULAR AND MORE BENGALI-ORIENTED AWAMI LEAGUE. SINCE THE DAYS OF SHEIKH MUJIB, THERE HAS DEVELOPED A FEELING IN BANGLADESH THAT EVERYONE IS OR OUGHT TO BE A MUSLIM FIRST AND A BENGALI SECOND, A FEELING OPPOSITE TO THE BENGALI NATIONALISM THAT SHEIKH MUJIB ESPOUSED. ALSO OF GREAT IMPORTANCE, PRESIDENT ZIA WISHES TO IDENTIFY HIMSELF AND BANGLADESH AS CLOSELY AS POSSIBLE WITH THE ISLAMIC AND ARAB NATIONS IN ORDER TO BE IN LINE FOR MAXIMUM INTERNATIONAL SUPPORT AND ECONOMIC AID.

7. WE SUSPECT THAT THIS SPECIFIC ISLAMIC IDENTIFICATION WILL CAUSE GREAT CONSTERNATION AMONG THE TEN TO TWENTY MILLION HINDUS AND OTHER NON-MJSLIMS IN BANGLADESH. THERE HAS BEEN NO COMMUNAL TROUBLE IN BANGLADESH FOR SOME YEARS, BUT THE SPECTRE OF 1971 AND EARLIER COMMUNAL UPHEAVALS STILL HANGS OVER THE HINDU COMMUNITY. IN THIS RESPECT, THE NEWLY PROCLAIMED ISLAMIC

IDENTIFICATIONS WILL NOT SIT WELL WITH INDIA, WHICH ALSO NO DOUBT REMEMBERS THE MILLIONS OF REFUGEES WHO FLOODED WEST BENGAL IN 1971 AND STRAINED HER FRAGILE ECONOMY. INDIA HAD WELCOMED THE SECULAR "PILLAR OF MUJIBBAD" AS A COUNTER TO PAKISTAN'S "ISLAMIC STATE" AND MAY FEEL THAT THE STEPS TAKEN BY ZIA WILL LEAD EVENTUALLY TO THE PROCLAMATION OF AN ISLAMIC STATE IN BANGLADESH.

8. WE ARE NOT YET CLEAR AS TO THE EFFECT OF THE NATIONALIZATION COMPENSATION ASPECTS OF THE CHANGES. THE RULES FRAMED UNDER THEM WILL NO DOUBT FLESH OUT THE CHANGES.

9. THE OTHER CONSTITUTIONAL CHANGES SEEM DESIGNED, AT THIS FRIST READING, TO CONSOLIDATE THE POWER OF THE PRESIDENCY AND TO ENSURE THAT NOTHING GENERAL ZIA
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 DACCA 02160 230640Z

HAS DONE AS CHIEF MARTIAL LAW ADMINISTRATOR CAN BE RETROACTIVELY HELD AGAINST HIM.
MASTERS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESIDENT, MOSLEMS, SPEECHES, CONSTITUTIONAL AMENDMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 23-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977DACCA02160
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770141-1153
Format: TEL
From: DACCA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770426/aaaaawfl.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 09f116a0-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 DACCA 2115
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2714836
Secure: OPEN
Status: NATIVE
Subject: PRESIDENT ZIA ANNOUNCES AMENDMENTS TO CONSTITUTION; IDENTIFIES BANGLADESH AS ISLAMIC NATION
TAGS: PINT, PGOV, BG, (RAHMAN, ZIAUR)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/09f116a0-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009